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IN THE

Supreme Court of the United States

OCTOBER TERM, 1935.

No. 636.

JAMES WALTER CARTER, *Petitioner,*

v.

CARTER COAL CO., ET AL., *Respondents.*

On Writ of Certiorari to the United States Court of Appeals for the District of Columbia.

Brief for the State of Illinois as Amicus Curiae in Support of the Constitutionality of the Bituminous Coal Conservation Act of 1935.

(GUFFEY COAL ACT.)

OTTO KERNER,
Attorney General, State of Illinois.

KENT E. KELLER,
Of Counsel.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.

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The State of Illinois files this brief as *amicus curiae* in support of the constitutionality of the Bituminous Coal Conservation Act of 1935 involved in the present cases.

This controversy is of great interest and importance to the State of Illinois, for the reason that upon its outcome will depend, to a large degree, whether the coal industry will be rehabilitated and stabilized, or whether it will be permitted to be destroyed on account of ruinous competition and labor troubles.

Illinois is one of the most important bituminous coal producing states, and the deplorable condition of the industry has affected the state very materially. The manner in which the conditions in coal producing states are affected by the competition of coal shipped from other states has been fully covered in the brief filed by the Solicitor General. It is only necessary to see how through price cutting the coal markets of Illinois were practically destroyed during the strike of 1927 by the shipment of coal from other states, notably Kentucky. These are matters which cannot be controlled by the State of Illinois. Under the applicable decisions of this court, neither this state, nor any other state, is legally or practically competent to regulate those matters which affect the stabilization of the bituminous coal industry within the state. The states being incompetent to deal with this matter, because the bituminous coal industry has become national in character, the Federal Government is the only government capable of dealing with the coal situation.

In order to avoid repetition, the State of Illinois will not set out its arguments in full, but adopts each and all of the arguments set forth in the brief filed by the State of New Mexico as *amicus curiae*.

Respectfully submitted,

OTTO KERNER,
Attorney General, State of Illinois.

KENT E. KELLER,
Of Counsel.

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JAMES WALTER CARTER,
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CARTER COAL COMPANY, et al,
Respondents.

BRIEF ON BEHALF OF 31 PRODUCERS OF BITUMINOUS COAL IN THE STATE OF ALABAMA

FORNEY JOHNSTON
As Amicus Curiae.

JOS. F. JOHNSTON
Of Counsel.

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